

REMARKS

Claims 1, 8-9, 13, 16, 18, 19, 23-26, 28-29 and 32-34 were rejected as anticipated by U.S. Patent No. 5,906,640 (Penn). Applicants respectfully disagree with the Examiner's interpretation of the claims and Penn patent.

The Penn patent discloses a bifurcated stent composed of two attached stent sections. In the first embodiments, a beveled portion is attached to the tube; in the latter embodiments one of the stents has an attachment tab. In the embodiment of Figure 16 relied on by the Examiner in the rejection of the claims, the connecting tab is critical:

The provision of slots 116, particularly in second connection tab 112, allows the slots to function as a solid state valve at the "crotch" of the bifurcated stent thereby providing sealed reinforcement of the bifurcated stent in this crucial region (col. 11, lines 61-64).

As alternatives, Penn contemplates placing a connection tab on the second stent portion or a separate connecting tab, but even in these alternatives, a mechanical connection is contemplated.

Penn also discloses a repeating pattern of V-shaped or zigzag design, the importance of which he describes:

The Applicant's have also discovered that various repeating patterns in the porous surface of the tubular wall are particularly advantageous. Generally, the repeating pattern is a polygon having a pair of side walls substantially parallel to the longitudinal axis of the stent passageway in question, a first concave-shaped wall and a second convex shaped wall connecting the side walls. (col. 5, lines 37-43)

Turning first to claim 1 of the present application, in addition to reciting first and second grafts overlying the first and second stent, features absent from the Penn patent, claim 1 recites the first stent has a longitudinally extending spine and axially spaced circumferentially extending ribs extending from the spine. The v-shaped portions of Penn, identified by the Examiner as Item B, which are part of Penn's repeating pattern, are not circumferential. Further, the claim now recites the second stent has a longitudinally extending spine and axially spaced circumferentially extending ribs extending from the spine such that the ribs of the first stent terminate in spaced apart end portions and the ribs of the second stent terminate in spaced apart end portions, wherein the end portions of the ribs of the first stent interleave with the end portions of the ribs of the second stent to aid insertion. This structure is absent from Penn. Penn does not have such end portions of ribs which interleave

with other portions. In fact, Penn's repeating pattern does not even have such end portions, but is continuous. Moreover, nowhere does Penn disclose or suggest such interleaving, let alone interleaving to aid insertion (by reducing the dimension). Thus, Penn does not anticipate claim 1 and the rejection under 35 U.S.C. 102 should be withdrawn.

The Penn patent also does not anticipate the dependent claims of claim 1, namely claims 29, 30, 33 and 34, for at least the same reasons as claim 1. Also note dependent claim 34 recites that the ribs are C-shaped and include offset end portions, and is further distinguishable over the prior art.

Claim 19, like claim 1, in addition to reciting a graft having a stent positioned within a portion, recites the circumferentially extending ribs extending from the spine. Further claim 19, as amended, recites that each of the ribs forms a C-shape with opposing end portions terminating opposite one another and spaced apart from one another. This C-shape is not disclosed in Penn which shows a repeating zigzag pattern, composed of a series of connected v-shapes which are connected. Opposing spaced apart end portions of C-shaped ribs are not disclosed. Consequently, the rejection of claim 19 should be withdrawn.

Dependent claims 23, 25, 26 and 28, depend from claim 19 and are therefore believed patentable for at least the same reasons as claim 19.

With respect to independent claim 8, this claim recites inter alia that the first stent has a plurality of ribs having first end portions and the second stent has a plurality of ribs having second end portions, wherein the first end portions interleave with the second end portions to reduce the cross sectional area for insertion. The Penn patent does not have end portions of ribs that interleave. As discussed above, the continuous repeating pattern lacks the "end portions" as recited in the claim. Also, the claim recites that the end portions interleave to reduce the cross-sectional area for insertion. This is also absent from the disclosure of Penn. Penn does not contemplate interleaving to reduce dimension for insertion. In viewing Penn, it is clear that the stent portions would not interleave to reduce the size; the repeating zigzag pattern of one stent appears to merely contact the repeating pattern of the other stent if radially compressed. Also, the tubular walls of each stent would come into contact on radial compression, thereby preventing interleaving.

Still further, claim 8 now includes the recitation of the branch and main portion being integral. Penn clearly does not disclose such integral stent structure. In fact, Penn is concerned with how to attach the two stent portions and discloses various alternatives. As noted above, Penn focuses on the importance of the attachment region.

Consequently, claim 8 is not anticipated by Penn and the rejection should be withdrawn.

Claims 13, 16, 18, and 24, depend from independent claim 8 and are therefore believed patentable for at least the same reasons that claim 8 is believed patentable.

Note that the amendments to independent claims 1, 8 and 19 do not raise new issues since the amendments are essentially the incorporation of the recitations of prior dependent claims 31 and 32 (into claim 1), claim 9 (into claim 8) and claim 25 (into claim 19).

With respect to the indefiniteness rejection of claim 25 under 35 U.S.C. 112, second paragraph, claim 25 has been canceled and incorporated into claim 19 in amended form to recite the end portions terminate opposite one another as well as spaced from one another. Claim 34 has been amended to provide antecedent basis. Withdrawal of the rejection is respectfully requested.

Applicants respectfully submit that in view of the foregoing, the rejection of the claims as anticipated should be withdrawn, and the present application is now believed in condition for allowance.

Prompt and favorable reconsideration of the present application is respectfully requested. The Examiner is invited to contact the undersigned should the Examiner believe it would expedite prosecution.

Respectfully submitted,

Dated: _____

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By: _____



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